

Angela's Speech to Senate Inquiry into Fair Work Bill

My name is Angela Zhang. I am a Chinese Community Worker for Asian Women at Work. During my 20 years in Australia I have had many other jobs including a clothing outworker, a process worker in different factories and an aged care home care worker.

Many of our members would like to come and tell their story like Lucy, but they are very scared in their workplace. Some are scared to go to the toilet at work, so coming to speak here publicly is way too scary. But we know many stories from them. Some women have come to show their support and sit here with us, even though they are too afraid to speak.

So today we will tell some of their stories and explain their concerns. And they wait anxiously to hear the result of what you, Senators, are going to do to help them.

Today I especially want to talk about Individual Flexibility Agreements which can be made under awards and enterprise agreements.

Our women are very scared if they are ever called to go to the boss's office. They don't know what will happen, what it will be about, what the boss will say. If the boss asks them to say something or do something they are more scared. They don't know if they can say "no" to the boss, so they usually say "yes" even if they don't understand what they are being asked. They are worried if they say "no" they will lose their job.

A saying amongst our members is "If it is good news, then the boss or supervisor will come to you; if you are called to the office then it is usually not good news...."

We are very concerned about what will happen when employers ask migrant women workers to sign an individual flexibility agreement. They may say yes and sign the agreement out of fear, without really understanding or without wanting to change their working arrangements.

Our members have told us stories about being given a bunch of materials in English and being asked to sign them immediately, which they have done because they didn't want to lose their job. But they have very little idea what is in the content of all those papers.

There are a number of measures we want included in the Fair Work Bill in order to protect migrant women workers (and other vulnerable workers). They are detailed in our written submission, but I want to highlight the key points.

Firstly, workers must be given time to consider an individual flexibility agreement before they have to sign it. We want time to read it, to take it home, to ask family and friends to explain it to us. In the draft modern Textile Clothing and Footwear Award workers have been given 7 days to consider an agreement. This should be in the law as a standard for all industries.

Secondly, we want to make sure the "Better Off Overall Test" is being kept. We don't want to be left behind compared to other workers. In addition to time to consider, the agreement should be translated for non-English speaking background workers and an opportunity given to consult with the union about the agreement contents.

Thirdly, we want a clear right to say "No" to a flexibility agreement and not allow us to be sacked for not wanting to sign.

Fourthly, after we have signed, there should be someone checking to make sure they really are meeting the “Better Off Overall” test. Workchoices checked agreements – and many failed to meet that test. Surely that is evidence enough that not all employers understand the law enough to get these agreements right on their own.

In September last year I was interested to read about research done by several Australian universities which found that overseas born workers “work harder, take fewer sick days and are more loyal to their bosses than Australian born workers”. It is great they have recognised hard working nature of migrant workers which we know about from our daily contact with such women.

We are not asking too much when we ask for these hard working workers to be protected and respected.